

BEFORE THE STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

DEPT OF ENVIRONMENT AND CONSERVATION  
OFFICE OF GENERAL COUNSEL

RECEIVED  
JUL 30 2007

IN THE MATTER OF:  
  
CITY OF DECHERD,  
  
RESPONDENT

] DIVISION OF WATER  
] POLLUTION CONTROL  
]  
] CASE NO. 07-129D  
] OGC CASE NO.

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PETITION TO APPEAL COMMISSIONER'S ORDER AND ASSESSMENT

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Comes now the Respondent, City of Decherd, and pursuant to TCA § 69-3-110 and files this Petition contesting the Order and Assessment of the Commissioner of the Department of Environment and Conservation against the Respondent. In response to each allegation in the Order and Assessment the Respondent would state as follows:

I.

The allegations of Paragraph (I.) of the Order and Assessment are admitted.

II.

The allegations of Paragraph (II.) of the Order and Assessment are admitted.

III.

The allegations of Paragraph (III.) of the Order and Assessment are admitted.

IV.

The allegations of Paragraph (IV.) of the Order and Assessment are admitted.

V.

The allegations of Paragraph (V.) of the Order and Assessment are admitted.

VI.

The allegations of Paragraph (VI.) of the Order and Assessment are admitted.

VII.

The allegations of Paragraph (VII.) of the Order and Assessment are admitted.

VIII.

The allegations of Paragraph (VIII.) of the Order and Assessment are denied and strict proof is demanded thereof. Specifically, for part a) of Paragraph (VIII.), a new screen was installed and the old screen that was inoperable was left in place so that it might be repaired in the future if needed; with regard to part b), respondent denies that there was an excessive amount of algae present and states that the equipment was cleaned on a regular basis; with regard to part c), a new grit chamber had been installed and old inoperable grit chamber was out of service; and for part d) of Paragraph (VIII.), respondent states that the Department was aware of the discrepancies in the effluent flow and that this problem has been repaired.

IX.

The allegations of Paragraph (IX.) of the Order and Assessment are denied and strict proof is demanded thereof.

X.

The allegations of Paragraph (VI.) of the Order and Assessment are denied and strict proof is demanded thereof.

XI.

The allegations of Paragraph (XI.) of the Order and Assessment are denied and strict proof is demanded thereof.

XII.

Respondent objects to the Order and Assessment issued and requests that said Order and Assessment be reviewed and heard by the Tennessee Water Quality Control Board.

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Respectfully submitted,



**J. Todd Moore (BPR #15565)**

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*Attorney for Respondent*

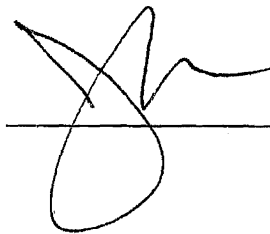
### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been filed by U.S.

Mail, First Class, postage prepaid, upon the following persons:

Max A. Fleischer, Assistant General Counsel  
Office of General Counsel  
Tennessee Department of Environment and Conservation  
401 Church Street  
L&C Tower 20<sup>th</sup> Floor  
Nashville, Tennessee 37243-1548

On this the 25<sup>th</sup> day of July, 2007.

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